

BEFORE THE ARIZONA VETERINARY MEDICAL EXAMINING BOARD

IN THE MATTER OF:

RICHARD HEFFELMAN II, D.V.M.

Holder of License No. 4913
For the practice of Veterinary
Medicine in the State of Arizona,

Respondent.

) **Case No.: 19-56**

) **CONSENT AGREEMENT**
) **FINDINGS OF FACT**
) **CONCLUSIONS OF LAW**
) **AND ORDER**

In the interest of a prompt and judicious settlement of the above captioned matter before the Arizona State Veterinary Medical Examining Board ("Board") and consistent with the public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S. §32-2201 *et. seq.* and A.R.S. § 41-1092.07 (F)(5), the undersigned party, Richard Heffelman, II, D.V.M. ("Respondent"), holder of license No. 4913 for the practice of veterinary medicine in Arizona and the Board enter into this Consent Agreement, Findings of Fact, Conclusion of Law and Order ("Consent Agreement") as final disposition of this matter.

CONSENT AGREEMENT

Respondent understands and agrees that:

1. The Board has jurisdiction over Respondent and the subject matter pursuant to A.R.S. §32-2201, *et. seq.*

2. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement. Respondent has a right to a public hearing

1 concerning this case. He further acknowledges that at such hearing he could
2 present evidence and cross-examine witnesses. Respondent irrevocably waives
3 his right to such a hearing.

4 3. Respondent irrevocably waives any right to rehearing or review or to
5 any judicial review or any other appeal of these matters.

6 4. The Consent Agreement, once approved by the Board and signed by
7 the Respondent, shall constitute a public record, which may be disseminated
8 as a formal action of the Board. Sufficient evidence exists for the Board to make
9 the Findings of Fact and Conclusions of Law set forth in the Consent
10 Agreement.

11 5. Respondent acknowledges and understands that this Consent
12 Agreement will not become effective until the Board approves it and it is signed
13 by the Board's Executive Director. Respondent acknowledges and agrees that
14 upon signing and returning this Consent Agreement to the Board's Executive
15 Director, Respondent may not revoke his acceptance of the Consent
16 Agreement or make any modifications to the document, regardless of whether
17 the Consent Agreement has been issued by the Executive Director.

18 6. If any part of the Consent Agreement is later declared void or
19 otherwise unenforceable, the remainder of the Order in its entirety shall remain
20 in force and effect.

21 7. Respondent acknowledges that any violation of this Consent
22 Agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-2232 and
23 may result in disciplinary action pursuant to A.R.S. § 32-2234.

24 8. This Consent Agreement and Order is effective on the date signed by
25 the Board.

1 5. On January 3, 2019, the dog was presented to Respondent's premise for
2 anal gland expression and blood work for therapeutic monitoring of heart
3 medications. Complainant stated in her complaint that she specifically
4 requested a platelet count because the dog had low platelets in the past and
5 was treated with prednisone at Augusta Ranch. According to Respondent, no
6 concerns were relayed to his staff and he was not aware of the appointment.

7 6. Blood results revealed: Platelets = 56 (143 – 448); platelets appear
8 moderately decreased on the blood film (50,000 – 100,000). Large platelets
9 present. Slide reviewed microscopically. Rouleaux.

10 7. On January 4, 2019, technical staff called Complainant with blood results
11 to advise they were normal. According to Respondent, there was a decrease in
12 platelets on the screen with large platelets present therefore he suspected
13 platelet clumping as the cause. There was no leukocytosis or mention of any
14 clinical signs by Complainant thus Respondent suspected a laboratory error.

15 8. On January 14, 2019, Complainant called Respondent to report she had
16 concerns the dog was slowing down. Respondent recommended scheduling
17 an appointment.

18 9. On January 20, 2019, the dog was presented to 1st Pet Veterinary Centers
19 due to lethargy and shaking. Dr. Deer examined the dog and recommended
20 diagnostics. Diagnostics revealed the dog had thrombocytopenia, with a
21 platelet estimate of 10,000. The dog was mildly anemic (38% PCV), had a
22 urinary tract infection and fleas (flea dirt seen). The dog was hospitalized for
23 treatment.

24 10. On January 22, 2019, the dog was discharged with Clavamox and
25 prednisone.

1 11. On January 23, 2019, the dog was presented to Dr. Snyder at Augusta
2 Ranch Animal Hospital post-hospitalization recheck. Dr. Snyder examined the
3 dog and recommended continuing treatment and adding stomach
4 protectants. Rechecks to monitor the dog's condition was recommended.

5 6 CONCLUSIONS OF LAW

7
8 12. The Findings of Fact constitute administrative violation of **A.R.S. § 32-2232**
9 **(12)** as it relates to **A.A.C. R3-11-501 (1)** failure to use current professional and
10 scientific knowledge for not identifying thrombocytopenia based on lab results
11 from January 3, 2019.

12 ORDER

13 Based upon the foregoing Findings of Fact and Conclusions of Law, it is
14 **ORDERED** that Respondent, License No. 4913, be placed on **PROBATION** for a
15 period of **one (1) year**, subject to the following terms and conditions that shall
16 be completed within the Probationary period. These requirements include four
17 (4) hours of continuing education (CE) as detailed below:

18 1. Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS**
19 **ORDERED THAT** Respondent shall provide written proof satisfactory to the Board
20 that he has completed **four (4) hours of continuing education (CE)** in addition
21 to the existing continuing education required to renew a veterinary license.
22 Respondent shall satisfy these four (4) hours by attending CE in the area of
23 **blood work analysis and interpretation with an emphasis on CBCs**. Respondent
24 shall submit written verification of attendance to the Board for approval.

1 2. Respondent shall submit to the Board a written outline regarding how he
2 plans to satisfy the requirement in paragraph 1 for its approval within sixty (60)
3 days of the effective date of this Consent Agreement. All continuing education
4 to be completed for this Consent Agreement shall be pre-approved by the
5 Board. The outline shall include **CE course** details including, **name, provider,**
6 **date(s), hours of CE** to be earned, and **a brief course summary.**

7 3. Respondent shall obey all federal, state and local laws/rules governing
8 the practice of veterinary medicine in this state.

9 4. Respondent shall bear all costs of complying with this Consent
10 Agreement.


11 5. This Consent Agreement is conclusive evidence of the matters described
12 and may be considered by the Board in determining an appropriate sanction
13 in the event a subsequent violation occurs. In the event Respondent violates
14 any term of this Consent Agreement, the Board may, after opportunity for
15 Informal Interview or Formal Hearing, take any other appropriate disciplinary
16 action authorized by law, including suspension or revocation of Respondent's
17 license.

18 ISSUED THIS 17th DAY OF June, 2019.

19 FOR THE BOARD:

20 ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

21 Jim Loughhead, Chairperson

22 By 
23 Victoria Whitmore, Executive Director
24
25

Original of the foregoing filed

This 17th day of June 2019 with:

Arizona State Veterinary Medical Examining Board
1740 W. Adams St, Ste. 4600
Phoenix, Arizona 85007

Copy of the foregoing mailed by Certified, return receipt mail

This 17th day of June, 2019 to:

Richard Heffelman II, DVM
Address on file
Respondent

Copy of the foregoing mailed by regular mail

This 17th day of June, 2019 to:

David Stoll, Esq.
Beaugureau, Hancock, Stoll and Schwartz, PC
302 E. Coronado Rd
Phoenix, Arizona 85004

By: 

Board Staff